

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15244 of 2014

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Mostt. Ram Dulari Devi & Ors

.... Petitioner/s

Versus

Manbaso Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 04-02-2016 1. Heard the learned counsel for the petitioner and the
learned counsel for the respondent No.3.

2. At the time of hearing of this writ application on merit
in admission matter, the learned counsel for the petitioner
submitted that substitution application being I.A. No.985 of 2016
has been filed on 2.2.2016. According to the learned counsel, the
respondent No.1 and 2 both have died and the legal representatives
are there. The learned counsel for the respondent has got no
objection if the legal representatives are substituted. Accordingly,
the application filed by the petitioner is hereby allowed and the
legal representatives of the deceased respondent No.1 and 2 are
substituted.

3. So far the merit of the writ application is concerned, this
application has been filed under Article 227 of the Constitution of

India for setting aside the order dated 22.05.2014 passed by Sub Judge V, Sasaram in Title Suit No.595 of 2000 whereby the Court below extended the time for accepting the cost of Rs.100/- directed to be paid by terms of order dated 5.2.2002.

4. It appears that the defendants filed written statement in 2002 and because there was some delay in filing the written statement, application was filed before the Court below and the Court below accepted the filing written statement subject to payment to cost of Rs.100/-. Thereafter, the same could not be deposited on the ground stated by the defendants in the application. The Court below only extended time and directed the defendant to pay further cost of Rs.300/-.

5. In view of the above position that the Court below has only extended time for depositing the cost that too after awarding further cost, the same cannot be interfered with in supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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